



ADMINISTRATIVE RULES OF MONTANA



20.27.102 SITE SELECTION OF PRIVATE CORRECTIONAL FACILITIES

- (1) Private correctional facilities must be sited pursuant to American Correctional Association standards.
- (2) Private correctional facilities must be sited near a civilian population center with at least the following services:
 - (a) within 30 minutes emergency response time of a hospital;
 - (b) within 30 minutes emergency response time of a full-time or volunteer fire department;
 - (c) within one hour driving time of scheduled public or private transportation services that provide regular travel to and from the area of the private correctional facility; and
 - (d) within one hour driving time of an airport and landing field:
 - (i) suitable for landing and take-off of charter-type aircraft; and
 - (ii) listed on the state system plan of airports as maintained by the Montana Department of Transportation, Aeronautics Division.
- (3) Proposed sites for private correctional facilities must accommodate:
 - (a) a secure facility;
 - (b) a facility size, as determined by the department, with expansion capability;
 - (c) the custody levels and population needs set forth in the request for proposal;
 - (d) the contour of the land, building design, distance, or a vegetative buffer zone or terrain features that mitigate local concern for the appearance of a prison in the area;
 - (e) necessary support services;
 - (f) utilities;
 - (g) secure access;
 - (h) unobstructed surveillance capabilities; and
 - (i) safety of the public.
- (4) Access roads to the site must be capable of supporting vehicular traffic during both the construction and operational periods.

- (5) Proposed sites for private correctional facilities must follow all applicable state statutes, rules and regulations including, but not limited to, site planning, environmental, construction, and permitting statutes, rules and regulations.
- (6) Proposed sites for private correctional facilities must be located above a 100-year flood plain.
- (7) Proposed sites for private correctional facilities must be qualified for site development as a prison in conformance with applicable local zoning ordinances.
- (8) If a private correctional facility will be connected to existing public utilities, or will be providing an acceptable alternative, the facility shall:
 - (a) be connected to both an approved waste water treatment system and an approved water supply system;
 - (b) provide proof that the existing water and sewer systems have the capability to handle the increased usage; and
 - (c) be approved by the appropriate state and local entities responsible for the system.

Authorizing statute(s): 53-30-604, MCA

Implementing statute(s): 53-30-604, MCA

History: NEW, 1998 MAR p. 172, Eff. 1/16/98; AMD, 2005 MAR p. 1393, Eff. 7/29/05.